

IN THE CLAIMS

Please amend the claims to read as follows:

Listing of Claims

Claims 1-27 (Canceled).

28. (New) A method for transmitting data packets to a base station in a mobile wireless communication system comprising a mobile station and the base station using a HARQ retransmission protocol, the method comprising the following steps performed by the mobile terminal:

transmitting a data packet to the base station,

receiving a feedback message from the base station, wherein the feedback message indicates whether the data packet has been successfully decoded by the base station, and

in case the feedback message indicates that the data packet has not been decoded successfully, transmitting a retransmission data packet after a predetermined time span upon having received the feedback message and optionally other data within the same transmission time interval using a maximum transmission power allowed to be used by the mobile terminal, if a transmission power required for transmitting the retransmission data packet and the other data is larger than the maximum allowed transmission power,

wherein the other data has a higher logical channel priority than the data of the retransmission data packet.

29. (New) The method according to claim 28, wherein the retransmission data packet is transmitted at a power level lower than required for its transport format.

30. (New) The method according to claims 28, further comprising the step of decreasing the gain factor of the physical channel to be used for transmitting the retransmission data packet, in case the transmission power required for transmitting the retransmission data packet and the other data within the same transmission time interval exceeds the maximum transmission power the user equipment is allowed to use.

31. (New) The method according to claim 30, wherein in the step of transmitting the retransmission data packet the retransmission data packet is transmitted via a physical channel using the decreased gain factor.

32. (New) The method according to claim 31, wherein the decreased gain factor reduces the transmission power required for transmitting the retransmission data packet to a value that the

total transmission power required for the transmission of the retransmission data packet and the transmission power required for transmitting the other data is equal to the maximum allowed transmission power.

33. (New) The method according to claim 30, wherein the decreased gain factor is determined by the physical layer.

34. (New) The method according to claim 28, further comprising the steps of:

performing a transport format combination selection for the transmission of data by the MAC-d entity of the mobile terminal and

subsequently performing a transport format combination selection for the transmission of data packets on said data channel by the MAC-e entity of the mobile terminal.

35. (New) The method according to claim 34, wherein the transport format combination selection by the MAC-e entity considers the remaining transmission power the mobile terminal is allowed to use in a transmission time interval remaining after performing the transport format combination selection by the MAC-d entity.

36. (New) The method according to claim 34, wherein the transport format combination selection in the MAC-e entity is done in accordance with the logical channel priorities indicated by RRC signaling.

37. (New) The method according to claim 28, wherein the retransmission data packet is transmitted at the beginning of a transmission time interval.

38. (New) The method according to claim 28, wherein the predetermined time span is larger or equal to the processing time required for processing the feedback message.

39. (New) The method according to claim 28, further comprising the steps of:

determining whether the resources allocated to the mobile terminal are sufficient to transmit the retransmission data packet after said predetermined time span and other data within the same transmission time interval, wherein the data pending transmission has a higher transmission priority than the retransmission data packet,

if not, transmitting said data in the transmission time interval and postponing the transmission of the retransmission data packet to a later transmission time interval.

40. (New) The method according to claim 28, wherein data transmission is carried out on an enhanced uplink dedicated transport channel.

41. (New) A mobile station for transmitting data packets to a base station in a mobile wireless communication system comprising the mobile station and the base station using a HARQ retransmission protocol, the mobile station comprising:

a transmitter operable to transmit a data packet to the base station, and

a receiver operable to receive a feedback message from the base station, wherein the feedback message indicates whether the data packet has been successfully decoded by the base station,

wherein, in case the feedback message indicates that the data packet has not been decoded successfully at the base station, the transmitter is operable to transmit a retransmission data packet after a predetermined time span upon having received the feedback message and optionally other data within the same transmission time interval using a maximum transmission power the

mobile station is allowed to use, if a transmission power required for transmitting the retransmission data packet and the other data is larger than a maximum allowed transmission power, wherein the other data has a higher logical channel priority than the data of the retransmission data packet.

42. (New) The mobile station according to claim 41, wherein the transmitter is operable to transmit the retransmission data packet at a power level lower than required for its transport format.

43. (New) The mobile station according to claim 41, further comprising an adjuster for decreasing the gain factor of a physical channel to be used for transmitting the retransmission data packet, in case the transmission power required for transmitting the retransmission data packet and the other data within the same transmission time interval exceeds the maximum allowed transmission power the mobile station is allowed to use.

44. (New) The mobile station according to claim 43, wherein the transmitter is operable to transmit the retransmission data packet via a physical channel using the decreased gain factor.

45. (New) The mobile station according to claim 44, wherein the decreased gain factor reduces the transmission power required for transmitting the retransmission data packet to a value that the total transmission power required for transmitting the retransmission data packet and for transmitting the other data is equal to the maximum allowed transmission power.

46. (New) The mobile station according to claim 41, wherein the decreased gain factor is determined by the physical layer of the mobile station.

47. (New) The mobile station according to claim 41, further comprising:

a MAC-d entity for performing a transport format combination selection for the transmission of data and

a MAC-e entity for subsequently performing a transport format combination selection for the transmission of data packets on said data channel.

48. (New) The mobile station according to claim 47, wherein the MAC-e entity when performing the transport format combination selection is adapted to consider the remaining transmission power the transmitting entity is allowed to use in a transmission time

interval remaining after performing the transport format combination selection by the MAC-d entity.

49. (New) The mobile station according to claim 47, wherein the MAC-e entity is adapted to perform the transport format combination selection in accordance with the logical channel priorities indicated by RRC signaling.

50. (New) The mobile station according to claim 41, wherein the transmission means is adapted to perform one of different hybrid automatic repeat request methods in response to the scheduling mode employed for data transmission.

51. (New) A radio network controller configuring at least one parameter of a HARQ retransmission protocol, the HARQ retransmission protocol being used for data transmissions by a mobile station in a mobile wireless communication system comprising the mobile station and the radio network controller, the radio network controller comprising:

a transmitter for transmitting a retransmission mode indicator in a control message to the mobile station, wherein the retransmission mode indicator indicates whether to perform a hybrid automatic repeat request method according to claim 28 or



whether to perform a hybrid automatic repeat request method different therefrom.

52. (New) A wireless communication system comprising a mobile station according to claim 41, wherein the communication system is operable to perform a HARQ protocol for transmitting data packets from the mobile station to a base station via an uplink communication channel.

53. (New) The wireless communication network further comprising a radio network controller according to claim 51.